

1 **Tabetha A. Martinez, Esq. (NV 14237)**  
 2 **Susan E. Gillespie, Esq. (NV 15227)**

3 **BURGER | MEYER** <sup>LLP</sup>

4 400 South 4<sup>th</sup> St., Suite 500

5 Las Vegas, NV 89101

6 Telephone: (949) 427-1888

7 Facsimile: (949) 427-1889

8 Email: [tmartinez@burgermeyer.com](mailto:tmartinez@burgermeyer.com)

9 [sgillespie@burgermeyer.com](mailto:sgillespie@burgermeyer.com)

10 Attorneys for Defendant  
 11 WALMART, INC.

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 NICOLE SHABAZ, an individual;

15 Plaintiff,

16 vs.

17 WALMART INC., a Delaware Corporation;  
 18 DOES I through V, inclusive; and ROE  
 19 CORPORATIONS VI through X, inclusive;

20 **Defendants.**

Case No.: 2:23-cv-01050-JAD-BNW

**STIPULATION AND [PROPOSED]  
 ORDER TO CONTINUE DISCOVERY  
 DEADLINES**

**[FIRST REQUEST]**

21 COMES NOW Defendant WAL-MART INC. (“Walmart” or “Defendants”), by  
 22 and through their attorneys of record, Susan E. Gillespie, Esq., of the law firm Burger Meyer LLP,  
 23 and Plaintiff NICOLE SHABAZ (“Plaintiff”), by and through her attorney of record, Joshua L.  
 24 Benson Esq., of the law firm BENSON ALLRED INJRY LAW, (collectively with Defendant,  
 25 “Parties”), and hereby submit the following Stipulation and [Proposed] Order to Extend Discovery  
 26 Deadlines (Third Request) for this Honorable Court’s consideration (**proposed changes in bold**),  
 27 seeking to extend the remaining deadlines in the current scheduling order for a period of sixty (90)  
 28 days for the reasons explained herein.

Pursuant to Local Rule IA 6-1(a), the parties hereby aver that this is the first discovery  
 extension requested in this matter.

**I. DISCOVERY COMPLETED**

- The parties have conducted a Rule 26(f) conference and served their respective Rule 26(a)(1) disclosures.
- On August 8, 2023, Defendant served its First Set of Requests for Production and First Set of Interrogatories via U.S. Mail.
- On August 8, 2023, Plaintiff served her First Supplemental FRCP 26(a) disclosures.
- On August 29, 2023, Plaintiff served her Second Supplemental FRCP 26(a) disclosures.
- On August 31, 2023, Plaintiff served her Third Supplemental FRCP 26(a) disclosures.
- On September 7, 2023, Plaintiff served her responses to First Set of Requests for Production and First Set of Interrogatories via U.S. Mail.
- On September 7, 2023, Plaintiff served her Fourth Supplemental FRCP 26(a) disclosures.

**II. REMAINING DISCOVERY**

- Plaintiff's IME is scheduled for on October 11, 2023.
- Exchange of the parties' respective expert disclosures.
- Depositions of Plaintiff's treating and/or retain expert witnesses.
- Deposition of Defendant's 30(b)(6) witness.
- Continued subpoenas to Plaintiff's medical providers.
- Additional written discovery as needed at this action proceeds.

**III. REASON FOR REQUESTING ADDITIONAL TIME TO COMPLETE DISCOVERY**

The Parties aver that good cause exists under Local Rule 26-3 for the requested extension being made at this time. The Parties have been diligently working to complete discovery in this matter. The Parties have: (1) engaged in written discovery; (2) disclosed and supplemented their FRCP disclosures; (3) scheduled Plaintiff for an IME. However, Plaintiff is scheduled to undergo a surgery on October 25, 2023. As such, additional discovery and subpoenas will be necessary related to Plaintiff's surgery. The Parties' work regarding discovery is active and ongoing. The Parties have acted in good faith to request this extension and neither one has reason or intent to delay these proceedings or jury trial in this matter.

///

**IV. PRIOR DISCOVERY DEADLINES**

According to the Court's Order Granting Stipulated Discovery Plan [ECF No. 8], the existing deadlines are:

Amend Pleadings/Add Parties:	Expired
Initial Expert Disclosures:	October 27, 2023
Rebuttal Expert Reports:	November 27, 2023
Close of Discovery:	December 26, 2023
Dispositive Motions:	January 25, 2024
Joint Pre-Trial Order:	February 24, 2024, or 30 days following

the resolution of any outstanding dispositive motions.

**V. PROPOSED DISCOVERY DEADLINES**

Amend Pleadings/Add Parties:	Expired
<b>Initial Expert Disclosures:</b>	<b>January 25, 2024</b>
<b>Rebuttal Expert Reports:</b>	<b>February 26, 2024</b>
<b>Close of Discovery:</b>	<b>March 27, 2024</b>
<b>Dispositive Motions:</b>	<b>April 26, 2024</b>
<b>Joint Pre-Trial Order:</b>	<b>May 24, 2024, or 30 days following the</b>

**resolution of any outstanding dispositive motions.**

///

///

///

///

///

///

///

///

///

///

1 If the extension is granted, all anticipated additional discovery should be concluded within  
2 the stipulated extended deadline. The parties aver that this request for extension of discovery  
3 deadlines is made by the parties in good faith and not for the purpose of delay.

4 Dated: October 5, 2023

**BENSON ALLRED INJURY LAW**

6 /s/ Joshua L. Benson

7 Joshua L. Benson, Esq.  
8 Attorneys for Plaintiff  
NICOLE SHABAZ

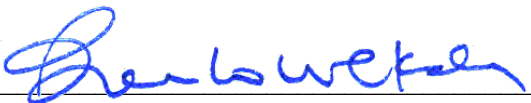
9 Dated: October 5, 2023

**BURGER | MEYER<sup>LLP</sup>**

11 /s/ Susan E. Gillespie

12 Tabettha A. Martinez, Esq.  
13 Susan E. Gillespie, Esq.  
14 Attorneys for Defendant  
WALMART INC.

15 **IT IS SO ORDERED** this 6 day of October, 2023.

17 

18 UNITED STATES MAGISTRATE JUDGE